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10/540,920	06/29/2005	Wy Mun Kong	Q83222	3343
23373 7590 05/10/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER PULLIAS, JESSE SCOTT				
ART UNIT		PAPER NUMBER		
2626				
NOTIFICATION DATE		DELIVERY MODE		
05/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/540,920

Applicant(s)

KONG ET AL.

Examiner

JESSE S. PULLIAS

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jesse S. Pullias/
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

Continuation of 11, does NOT place the application in condition for allowance because: On pages 10-12, the Remarks argue that claims 1 and 22 are patentable over the prior art because one of ordinary skill in the art would not have made the Rankin, McCarten, and Kumano combination. This argument is based on that Rankin and McCarten allegedly teach only pre-recorded materials, while Kumano teaches real-time translation. In response to the arguments against Rankin and McCarten not disclosing real-time translation, one cannot show nonobviousness by attacking references individually when the rejection is based upon a combination.

In response to the first and second arguments on page 12, it is unclear how Kumano requiring selection of a passage by the user so that the translator knows which sentence to translate is relevant to whether the actual real time translation per se would work or whether it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin and McCarten to include real time translation. The user selection relates to deciding which passage to translate, not the act of translation itself. Even in a system in which no real time translation was performed, the user would need to select which passage to be translated in non-real time. Therefore, it is unclear why Kumano having a user select the passage to be translated would be relevant to whether "providing output in a language on the basis of a real time translation into a language of choice" would have been obvious to one of ordinary skill in the art. Furthermore, one of ordinary skill in the art would have predicted that using real-time translation in the Rankin and McCarten combination would have accommodated users for which their language selection did not have pre-stored announcements in a database, and would in fact be necessary. Still further, one of ordinary skill in the art would have predicted that using real-time translation as taught by Kumano in the Rankin McCarten combination would have required less storage space to store all the allegedly pre-recorded announcements. Reduction of storage space required for content delivery system was a known need at the time of the invention which an artisan in the field of machine translation would have been familiar with as a way to reduce system costs.

In response to the third argument on page 12, that using real-time translation would slow down the system, one of ordinary skill in the art at the time of the invention would have predicted that in a system with a large number of advertisements, real-time translation would be faster than searching a database containing a large number of translations. Further, the use of real time translation would allow the system to more quickly be introduced to new areas in which a language is spoken, but the advertisements are not available pre-recorded in that particular language yet.

In response to the arguments on page 13 regarding claim 2 and Poch, Poch specifically discloses "at least one receiver programmable to receive transmitted messages in one language, and reprogrammable to receive transmitted translated messages in another language" (See Col 3, lines 1-4). If the user does not reprogram the receiver, the user will receive messages in the "one language" the receiver is already programmed to receive, which may be fairly considered a "principle" language for at least the reason that it has precedence over the other languages the receiver is capable of receiving, being the one it is already programmed to receive.

The remaining arguments are the same or similar to those already addressed above and in the final rejection 01/28/10, and are not persuasive for the same or similar reasons..